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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,818	03/09/2001	Youichi Tanibayashi	9683/82	6699

757 7590 04/28/2005

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EXAMINER

D AGOSTA, STEPHEN M

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/786,818

**Applicant(s)**

TANIBAYASHI ET AL.

**Examiner**

Stephen M. D'Agosta

**Art Unit**

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) ☒ Claim(s) 1, 3, 5-8, 10-11, 14-25, 27, 29-32, 34-44, 46-56, 60-62, 67-75, 76 and 78-80 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☒ Claim(s) 1,3,5-8,10,11,14-25,27,29-32,34-44,46-56,60-62 and 67-76 is/are allowed.

6) ☒ Claim(s) 78 is/are rejected.

7) ☒ Claim(s) 79-80 is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 3-22-2005 have been fully considered but they are not persuasive.

1. The primary examiner now allows claim 76, upholds his rejection on claim 78 and objects to claims 79 and 80.

2. The applicant argues that the prior art does not teach the limitations of claim 78 (ie. one mobile vs. two mobiles). The primary examiner disagrees – Hashimoto teaches a positioning system whereby a first person can determine the location of another (second) person. The abstract states that a person can inquire the whereabouts (and supervise) an old person, child, etc.. There is also a central computer that is used as well (figure 1, #10). Hence the examiner interprets the concepts taught by Hashimoto as reading on claim 78. Amending claim 78 with either claim 79 or 80 may provide a more favorable outcome.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims ~~76 and 78~~ rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto, and further in view of Tell et al. US 5,774,802 (hereafter Hashimoto and Tell).

As per claims ~~76 and 78~~, Hashimoto teaches a location information notification method for notifying a predetermined computer of location information of a mobile communication terminal (title, abstract), the method comprising:

providing a first mobile communication network and a second mobile communication network each configured to generate different formats of location information (figure 1, #32 and claim 3, page 46 AND (Abstract teaches position determination via several methods including GPS, PHS terminal locations, radio markers and district maps AND transmitting data to Central System via Radio or PHS formats - see link between remote #1 1 and #23 or #24 which infers two different communications formats/users).

generating location information of a first mobile communication terminal in a first format based on a detected position of the first mobile communication terminal in the first mobile communication network (figure 1, #10 is central system and #26/#27 are position providing units);

generating location information of a second mobile communication terminal in a second format based on a detected position of the second mobile communication terminal in the second mobile communication network AND converting the location information in the first format or the location information in the second format to a format that is compatible with a computer in communication with the mobile communication

Art Unit: 2683

terminal (abstract and figure 2 teach multiple means for determining location and page 7, L21 to page 12, L6); and

transmitting the converted location information over the communication network for receipt by the computer.

**but is silent on**

converting from first format to second format to a format that is compatible with a computer in communication with the mobile communication terminal such that the computer is configured to provide position related information to the mobile communication terminal.

The examiner interprets the invention's ability of determining location via several methods as reading on different formats since GPS would yield LAT/LONGS while PHS terminal locations, radio markers or a map would yield a different format - **Hashimoto** teaches LAT/LONG, Compass Heading, Position Heading and/or use of a physical map, see figures 3-4 for "Map" and figure 9a, #2 and figure 9b, #2/#3 for LAT/LONG and Compass/position) and a second computer (see claim 12, page 48 teaches a "third party" which reads on a second computer)

**Tell** teaches location determination whereby the location cache also supports a subscription service, allowing applications to subscribe for automatic notification of detected location changes for any particular subscriber. The subscription service is useful for real time applications such as Fleet Management (C4, L21-34). Cox teaches a different embodiment whereby a directory assistance agent can locate a user (abstract) and send them directions in multiple formats based on said location (C3, L66 to C4, L11).

Also, Hasimoto's invention teaches multiple ways to determine an exact position of the user to certain degrees (radio markers being the most precise, GPS LAT/LONG being less precise) which reads on providing location data with a needed precision (see page 8, L21 to page 9, L3) AND Hasimoto teaches the wireless device determining location and transmitting the data to the Central System (abstract, figure 1

Art Unit: 2683

and page 10, L15-20) AND Hashimoto teaches a home terminal (figure 1 , #32) that can receive position data which reads on use of a "request signal" (page 11, L1 1-16 as does an "information offer" described on page 11, L17 to page 12, L6).

It would have been obvious to one skilled in the art at the time of the invention to modify Hashimoto, such that notification via a translated format is supported, to provide automatic location updates to a monitoring site via multiple formats.

### ***Allowable Subject Matter***

1. **Allowed claims:** 1, 3, 5-8, 10-11, 14-25, 27, 29-32, 34-44, 46-56, 60-62, 67-75 and 76.

2. **Claims 79-80** objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. These claims recite highly specific designs not found in the prior art of record and are therefore novel in the examiner's opinion.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2683

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen D'Agosta  
PRIMARY EXAMINER  
4-20-2005

